

**Common Council  
Regular Meeting**

Tuesday, April 10, 2018, 6:30 p.m.  
City Hall, 31 S. Madison Street, Evansville, WI

**MINUTES**

1. **Call to order.** The meeting was called to order by Mayor Bill Hurtley at 6:30 p.m.
2. **Roll Call.** Members present: Mayor Bill Hurtley, Alderpersons Jim Brooks, Rick Cole, Larry Dobbs, Dianne Duggan, Gene Lewis, James Montgomery, Joy Morrison, and Erika Stuart. Others present: City Administrator/Finance Director Ian Rigg, City Clerk/Treasurer Judy Walton, City Attorney Mark Kopp, Community Development Director Jason Sergeant, Library Director Megan Kloeckner, Kelly Gildner from The Evansville Review, Brian Berquist and Tim Stieve from Town & Country Engineering, and several members of the public.
3. **Approval of Agenda.** Brooks made a motion, seconded by Dobbs to approve the agenda as printed. Motion approved 8-0.
4. **Approval of Minutes.** Brooks made a motion, seconded by Duggan to waive the reading of the minutes of March 13, 2018, correct Item 6A by adding: Megge presented the city with a plaque in recognition of having 6 years of tobacco retail compliance checks with zero violations. and approve as corrected. Motion approved 8-0.
5. **Civility reminder.** Recognition of the commitment to civility and decorum at Council meetings.
6. **Citizen appearances**
  - A. Deb Miller, Evansville High School SADD (Students Against Destructive Decisions) Advisor, along with 3 students were in attendance to speak in favor of Ordinance 2018 – 05, Vapor Products to Minors. They have been working very hard at school to talk about the dangers of vaping. There is concern that this is becoming an epidemic. Student, Annabelle Senn, stated vaping has become a pretty serious issue and passing this ordinance will help to make the students doing this understand the consequences of what might happen.
  - B. Public Hearing on Assessments for Jackson Street, Franklin Street and Kinsey Court Improvements.
    - (1) Brian Berquist, Town & Country Engineering, introduced himself and explained that this hearing was part of the assessment process required by state statute. He stated this is a \$1.3 million project. Work is scheduled to start around Memorial Day and once the date is established property owners will get a schedule of work hand delivered. The contractor has 100 calendar days to finish.

The work on Franklin Street and Jackson Street will be total replacement of sanitary sewer and water main, almost total replacement of storm sewer, full replacement of curb and gutter and at a minimum there will be spot replacement of sidewalk. Where there is no sidewalk, sidewalk will be installed per city policy.

The parking lot behind Montgomery Court will be fully reconstructed with new asphalt and new gravel.

Kinsey Court will primarily receive pulverizing and repaving, curb replacement, and resurfacing.

Construction will start on Franklin and Jackson.

He asked property owners to remove fencing, flowers, etc. before construction begins. He ensured that mail delivery, trash and recycling service, and emergency services will be maintained. He explained that there will be temporary water outages but residents will be given a 24 hour notice. Once water is restored he expects it to be dirty due to sediment loosened by turning it off and back on.

He explained that these are estimated costs which assumed all driveways will be totally replaced, although some may not have to be. After the project is completed notices of final assessments will be mailed before being levied.

Repayment can be made over a period of time, typically 10 years, with interest. He added that lead water lateral replacement costs, which is completely the property owners responsibility, would be included as an assessment. All work done will have a 1 year warranty.

- (2) Duggan asked when the 1 year warranty starts and Berquist stated the time starts when the city pays for that improvement.

Morrison questioned the work schedule for Jackson Street and whether it was a necessity. Berquist stated it is critical to the loop to ensure there is no dead end main which would result in stale water, low pressure, and would hinder fire protection.

Brooks pointed out that this project was brought to the top of the list due to concerns of fire protection. He stated the city cannot force anyone to change their lateral but encouraged anyone with a lead lateral to take advantage of getting it changed and paying for it over 10 years.

- (3) Hurtley opened the public hearing at 7:27 p.m.

Dakota Walters, 324 Franklin Street, commented that there is no need for sidewalk. Mayor Hurtley cited city ordinance that requires sidewalks on both sides of the street. Mr. Wolter requested to do his own sidewalk. Brian Berquist will work with him on that.

Brittney Wrhel, 324 Franklin Street, commented that the city should worry about bad sidewalks first instead of theirs. Mayor Hurtley responded that sidewalks in need of repair will be worked on but any time there is new construction, sidewalks will be constructed as that is the time to take care of it. Pat Engendorf, 22 Franklin Street, asked who will be responsible to pay for tree removal. Mayor Hurtley said if they are on the terrace they belong to the city.

Ryan Spaulding, 316 Franklin Street, requested the city look at the driveway ordinance so property owners don't have to pay 100%.

Hurtley closed the public hearing at 7:33 p.m.

- (4) There was no final discussion by Council.  
(5) Cole made a motion, seconded by Brooks to adopt Resolution 2018-10, A Preliminary Resolution Declaring Intent to Levy Special Assessments Under Municipal Police Power Pursuant to §66.0703, Stats. Motion approved 8-0.

## 7. Reports of Committees

**A. Library Board Report.** Kloeckner reported the Arrowhead Library System is now providing access to Gale Courses which provides instructor led classes in areas such as accounting and finance, business, computer applications, language arts, personal development, and technology. This is great for continuing education credits and lifelong learning and all you need is a library card.

They received a grant for \$1,800 from the Institute of Electrical and Electronics Engineers (IEEE). They were 1 of 5 to get the grant, 35 applied.

Demolition of the post office is underway, there is a Construction Party program on April 27th and groundbreaking on April 12th at 10:00 a.m.

**B. Youth Center Advisory Board Report.** No report.

### **C. Plan Commission Report**

(1). Cole made a motion, seconded by Dobbs to approve the extraterritorial land division to divide parcel 6-20-223 (Tax ID 040040007) into two lots finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, granting a variance for Section 110-230 because a literal interpretation of Section 110-230 in this instance would be inappropriate and cause an extraordinary hardship on the property owner, with the following conditions:

- 1) Applicant files the final CSM with Rock County Register of Deeds.
- 2) Future use of new parcel is consistent with Mixed Future Land Use identified by the city
- 3) Applicant submits Site Plan for City staff comment before construction
- 4) Parcel shall hook-up to Municipal Water and Sewer per Chapter 126 after notice from the City
- 5) Applicant provides a 66' easement along the north property line of the remaining 19 acre parcel that abuts Lot 1 of for future utility and/or right of way access

Sergeant stated this is an extraterritorial land division at the corner of USH 14 and Weary Road. Oak Grove Church is expected to construct a new building on the parcel after divided and access to the building will be off of Weary Road. He recited each of the conditions.

Dobbs commended Sergeant for all his hard work on this project.

Motion approved 8-0.

(2). Sergeant reported he is working with the property owner on the recent land division on Brown School Road for alternate plans to reduce the amount of residential use and increase the commercial use on this property.

### **D. Finance and Labor Relations Committee Report**

- (1). Cole made a motion, seconded by Montgomery to accept the City bills as presented in the amount of \$1,884,020.76. Motion approved 8-0 on a roll call vote.
- (2). Cole made a motion, seconded by Duggan to approve Resolution 2018-03 Municipal Judge Salary. Rigg stated this is a formal adoption of the

budgeted increase. After a question from Morrison, Rigg stated he believed this would bring his annual salary to \$8-9,000. Motion approved 8-0 on a roll call vote.

- (3). Cole made a motion, seconded by Montgomery to approve Resolution 2018-04 Amending the 2018 Budget. Rigg directed Council to the resolution listing the events within operations and capital projects that created the need for the amendment. Motion approved 8-0 on a roll call vote.
- (4). Cole made a motion, seconded by Montgomery to approve Resolution 2018-05 Fee Schedule – Pool. Motion approved 8-0 on a roll call vote.
- (5). Cole made a motion, seconded by Duggan to approve borrowing plan for 2018 and authorize the City Administrator, Bond Council and Financial Advisors to proceed. Rigg stated the majority of this is for the library and wastewater treatment plant but also includes the 2018 and 2019 projects. We will be at 52% of our borrowing capacity, which includes revenue bonds. Brooks received clarification that our G.O. debt capacity will be at 2.26% which is below the 2.50% cap. Rigg added that the only borrowing we will need to do in 2019 will be for water. Motion approved 8-0 on a roll call vote.
- (6). Cole made a motion, seconded by Duggan to approve Resolution 2018-06 Intent to Reimburse. Rigg explained that basically this is an internal borrowing until the bonds are issued. Motion approved 8-0 on a roll call vote.
- (7). Cole made a motion, seconded by Montgomery to approve contract with ISS for City Hall security cameras. Rigg explained he wanted to add this to the 2019 budget but put it in this years' budget amendment because recently we had payments missing from the drop box. At the same time this will add additional fiber optics to the court clerk room to allow for internet phones. By going with this company the camera will be directly linked to EVPD so we don't have to purchase additional recording software. Brooks commented that he isn't a fan of capital projects showing up in February, March, or April. Motion approved 7-1 on a roll call vote with Brooks opposing.

#### **E. Public Safety Committee Report**

- (1). Brooks made a motion, seconded by Duggan to approve municipal court judge recommendation as to bond amounts for municipal ordinance violation citations under Municipal Code Chapter 46 in the amount of \$313. Motion approved 8-0 on a roll call vote.

#### **F. Municipal Services Report**

- (1). Brooks made a motion, seconded by Cole to award contract for the base, alternate and supplemental bids to Maddrell Excavation LLC of Brodhead WI for the Franklin St., Jackson St., Kinsey Ct. & Montgomery Ct. Parking lot project. Bergquist stated they are recommending the base bid plus the alternate bid and supplemental bid. Historically, they put out the bid with

spot curb repair as they did with this bid but they also bid out complete replacement and it actually came in less because there was so much spot repair. Motion approved 8-0 on a roll call vote.

- (2). Brooks made a motion, seconded by Dobbs to approve contract with Wisconsin Urban Wood. Rigg explained this will enable us to be a part of an organization to sell some of the trees we are removing and have them repurposed. Motion approved 8-0 on a roll call vote.

**G. Economic Development Committee Report.** Lewis reported they held their meeting at the Vintage Roost and they will be holding meetings at different businesses each quarter.

**H. Redevelopment Authority Report.** No report.

**I. Parks and Recreation Board Report.** Morrison reported they had a request and approved a fee waiver for an overnight stay for the boy scouts; ash tree removal continues; there was an Easter egg hunt at Countryside Park; a controlled burn was conducted at Wind Prairie Park; Lake Leota park is open to through traffic; they discussed the fee schedule changes that were approved earlier; they discussed the park store retail offerings and hours.

Rigg added they are going to try to match the same items being sold at the Youth Center with the Park Store so unused items can be used by the Youth Center and they discussed adding a few new pieces of equipment.

Morrison also reported that they continue work on the 2018-2023 Master Park Plan update; the new mower arrived the week of March 20<sup>th</sup>; and the memorial bench for Cheryl Mani will be placed at the entrance to the park on 2<sup>nd</sup> Street and Cheryl Fuchs graciously paid for this memorial.

**J. Historic Preservation Commission Report.** Lewis reported they approved an application for 25 N. 2<sup>nd</sup> Street for a garage, 24 E. Main Street for exterior remodeling; 250 W. Main Street for a porch, and the duck house needs repair.

**K. Fire District Report.** Montgomery reported the Mayor attended their last meeting and afterward presented his argument for the merger, stressing that the merger is in the interest of public safety.

Hurtley added that he feels it is important for the city to go ahead and get estimates of what a study would cost.

**L. Police Commission Report.** No report.

**M. Energy Independence Team Report.** No report.

**N. Board of Appeals Report.** No report.

## 8. Unfinished Business

- A. Brooks made a motion, seconded by Stuart to approve Ordinance 2018 – 02, Amending Stop Signs. Motion approved 8-0.

- B. Brooks made a motion, seconded by Montgomery to approve Ordinance 2018 – 05, Vapor Products to Minors. Attorney Kopp stated the state statutes have not kept up with technology in smoking devices. This will prohibit the sale to and possession of the actual devices by minors regardless of whether they have nicotine in them or not. Motion approved 8-0.

**9. Communications and Recommendations of the Administrator.** Rigg reported staff are plugging along with the utility billing audit and will be working with the PSC on some of our policies.

- A. Brooks made a motion, seconded by Cole to approve Employee Policy and Handbook.

Amendments made included:

- 7-2 c) Payout. First sentence should start ~~A~~ non-exempt employee
- 5-13 Travel, Lodging, Meals and Other Reimbursements. Clarifying “trip” to mean all expenses incurred in the occasion.
- 5-13 Travel, Lodging, Meals and Other Reimbursements. Changing the last sentence of paragraph 2, In addition, all trips exceeding ~~\$1,000~~ \$2,500 require prior approval by the City of Evansville Common Council. Up to \$2,500 require Committee approval.
- 8-7 Smoking and Tobacco. Discussion included whether to allow employees to smoke in designated areas or forbid smoking all together while on duty and on city property. Brooks made a motion, seconded by Dobbs to amend the motion changing this section to read prohibiting smoking, use of tobacco, and use of electronic nicotine delivery devices in all city owned facilities and vehicles while on duty. Smoking, use of tobacco, and use of electronic nicotine delivery devices in department head designated areas outside of the facilities may be permitted during approved breaks. Motion failed 3-5 on a roll call vote with Lewis, Montgomery, Morrison, Stuart, and Cole opposing.  
Brooks made a motion, seconded by Dobbs to amend the original motion to include the revisions as discussed. Motion approved 8-0 on a roll call vote. Main motion, as amended, approved 8-0 on a roll call vote.

**10. Communications and Recommendations of the Mayor**

- A. Hurtley presented his Mayoral Proclamation, Municipal Clerks Week, May 6-12.
- B. Hurtley presented his Mayoral Proclamation Recognizing Arbor Day 2018.
- C. Brooks made a motion, seconded by Cole to approve Resolution 2018-07 in Support of International Migratory Bird Day 2018. Motion approved 8-0.
- D. Brooks made a motion, seconded by Cole to approve Resolution 2018-08 Stand Against Racism Day 2018. Motion approved 8-0.
- E. Brooks made a motion, seconded by Cole to approve Resolution 2018-09 Commendation of Gene Lewis. Motion approved 8-0.

**11. New Business.** None.

**12. Introduction of New Ordinances**

- A.** Brooks presented the first reading of Ordinance 2018 – 04, Amending Chapter 106: Streets and Sidewalks.
  - B.** Brooks presented the first reading of Ordinance 2018 – 03, An Ordinance Rezoning Territory from Regional Business District (B-4) to Community Business District (B-3) on Parcel 6-27-958.091A1 with Tax ID 222070001011, on Brown School Rd.
  
- 13. Meeting Reminders**
  - A.** Reorganization Meeting: Tuesday April 17, 2018 6:30 p.m., City Hall
  - B.** Regular Council Meeting: Tuesday May 8, 2018 6:30 p.m., City Hall
  
- 14. Adjournment.** Cole made a motion, seconded by Montgomery to adjourn at 9:04 p.m. Motion approved 8-0.

Judy Walton, City Clerk/Treasurer